

## The Corporation of the Town of Aurora

### By-law Number XXXX-23

#### **Being a By-law to establish a Committee of Adjustment and appoint members to the Committee of Adjustment.**

**Whereas** subsection 44(1) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended (the "Act"), states that if a municipality has passed a by-law under section 34 of the Act or a predecessor of such section, the council of the municipality may by by-law constitute and appoint a committee of adjustment for the municipality composed of such persons, not fewer than three, as the council considers advisable;

**And whereas** subsection 45(1) of the Act provides that the committee of adjustment, upon the application of the owner of any land, building or structure affected by any by-law that is passed under section 34 or 38 of the Act, or a predecessor of such sections, or any person authorized in writing by the owner, may, despite any other Act, authorize such minor variance from the provisions of the by-law, in respect of the land, building or structure or the use thereof, as in its opinion is desirable for the appropriate development or use of the land, building or structure, if in the opinion of the committee the general intent and purpose of the by-law and of the official plan, if any, are maintained;

**And whereas** subsection 45(2) of the Act provides for additional powers of a committee of adjustment to grant minor variances in addition to those provided for in subsection 45(1) of the Act;

**And whereas** subsection 45(3) of the Act provides that a council that has constituted a committee of adjustment may by by-law empower the committee of adjustment to grant minor variances from the provisions of any by-law of the municipality that implements an official plan, or from such by-laws of the municipality as are specified and that implement an official plan, and when a committee of adjustment is so empowered subsection 45(1) applies with necessary modifications;

**And whereas** subsection 54(2) of the Act provides that where authority for the giving of consents under section 53 of the Act in respect of land situated in a lower-tier municipality is delegated by by-law of the council of the upper-tier municipality to the council of a lower-tier municipality, such council may, in turn, by by-law, delegate the authority or any part of such authority, to a committee of adjustment;

**And whereas** pursuant to By-law Number A-83-84-30 of The Regional Municipality of York, the authority to give consents under the current section 53 of the Act in respect of land situated in the Town of Aurora was delegated to the Council of The Corporation of the Town of Aurora (the "Town");

**And whereas** the Council of the Town deems it necessary and expedient to enact a By-law to provide for the establishment of the Committee of Adjustment and the appointment of members to the Committee of Adjustment;

**Now therefore the Council of The Corporation of the Town of Aurora hereby enacts as follows:**

1. Pursuant to subsection 44(1) of the Act, the Committee of Adjustment for the Town be and is hereby established, constituted, and appointed.

2. The Committee of Adjustment shall have all the powers conferred on a committee of adjustment by the Act, including, without limiting the generality of the foregoing, all of the powers contained in section 45 of the Act.
3. The consent granting authority delegated to the Council of the Town by By-law Number A-83-84-30 of The Regional Municipality of York be and is hereby further delegated to the Committee of Adjustment.
4. The following persons shall be appointed members of the Committee of Adjustment and shall hold office in accordance with section 44 of the Act or until such time as their successors are appointed:
  - a. David Mhango
  - b. Chris Polsinelli
  - c. Jane Stevenson
  - d. Michael Visconti
  - e. Julian Yang
5. By-law Numbers 6149-19 and 6318-21 be and are hereby repealed.

**Enacted by Town of Aurora Council this 28th day of March, 2023.**

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**Tom Mrakas, Mayor**

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**Michael de Rond, Town Clerk**